

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RUSSELL CARBONE,

Plaintiff,

v.

18-CV-3509 (ST)

ELISE MARTIN,

Defendant.  
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**CONSENT ORDER, THAT IN THE EVENT LAVINA HURDLE OR ANY OF THE OCCUPANTS AT THE REAL PROPERTY LOCATED AT 250 ERIE ROAD, WEST HEMPSTEAD, NEW YORK 11422 (PROPERTY) DO NOT VACATE THE PROPERTY BY JULY 28, 2023, AUTHORIZING AND DIRECTING: (I) THE REMOVAL AND EVICTION OF LAVINA HURDLE AND ALL OCCUPANTS FROM THE PROPERTY; (II) THE RECEIVER TO CHANGE AND/OR BREAK THE LOCKS ON THE PROPERTY; (III) THAT ALL PERSONAL PROPERTY THAT REMAINS AT THE REAL PROPERTY TO BE DEEMED ABANDONED; AND (IV) THE UNITED STATES MARSHAL SERVICE FOR THE EASTERN DISTRICT OF NEW YORK TO ASSIST THE RECEIVER WITH THE REMOVAL AND EVICTION OF THE LAVINA HURDLE AND ALL OCCUPANTS FROM THE PROPERTY**

Upon the Order Granting Motion to Appoint Receiver for the Sale of 250 Erie Road Property, dated April 11, 2023 (“Order”), appointing R. Kenneth Barnard, Esq. as the receiver (“Receiver”) of the property located at 250 Erie Road, West Hempstead, New York 11422, also described as Section 0035, Block 00597, Lot 00054 (“Property”) to preserve and to sell the Property and for Defendant Martin and all other residents at the Property to vacate the Property within 90 days of the Order (July 11, 2023); and Lavina Hurdle presently residing at the Property and having requested a short additional time to vacate the Property and to remove all of her personal property from the Property; and the Receiver, after having discussed the matter with Plaintiff Russell Carbone, having agreed to allow Lavina Hurdle and any occupants at the Property be vacate the Property no later than July 28, 2023 at 5:00 p.m.; and upon Lavina Hurdle consenting to the terms and conditions of this order (“Consent Order”); it is hereby

**ORDERED**, that, in the event Lavina Hurdle or any occupant of the Property, do not vacate the Property by July 28, 2023, the United States Marshal Service for the Eastern District of New District of New York (“U.S. Marshal”) are directed to accompany the Receiver and his retained professionals, to remove and evict Lavina Hurdle and all occupants from the Property; and, it is further

**ORDERED**, that in carrying out this Consent Order, the U.S. Marshals are authorized to enter forcibly into the Property and to use whatever force is reasonably necessary to gain access to the Property, including, changing, or breaking the locks on the Property and to arrest anyone interfering with the enforcement of this Consent Order, including, but limited to, Lavina Hurdle and all occupants of the Property, to protect the safety of the Receiver and his retained professionals; and, it is further

**ORDERED**, that all law enforcement agencies utilized in the enforcement of this Consent Order, and their employees shall be held harmless from any claims, asserted in any court or tribunal arising from any acts, incidents or occurrences in connection with the enforcement of this Consent Order, including third-party claims; and, it is further

**ORDERED**, that Lavina Hurdle and all occupants at the Property are directed to cooperate with the Receiver and shall not cause any damage to the Property and shall not remove and fixtures from the Property; and, it is further

**ORDERED**, that Lavina Hurdle and all occupants at the Property are directed to remove all personal property from the Property on or before July 28, 2023 or if not removed by such date all such personal property shall be deemed abandoned and be disposed of as the Receiver in his sole discretion deems appropriate and the Receiver shall be held harmless from any claims relating to the disposition of that personal property; and, it is further

**ORDERED**, that the Receiver is authorized and empowered to expend such funds and execute and deliver any documents as are reasonably necessary to implement the terms of this Consent Order; and, it is further

**ORDERED**, this Court shall retain jurisdiction to: (i) interpret and construe and enforce the provisions of this Consent Order; (ii) hear and determine any disputes arising under or related to the foregoing; and (iii) enforce the provision of this Consent Order.

Agreed and consented to: 

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Lavina Hurdle

**SO ORDERED,**

Dated: June 28, 2023  
Central Islip, New York

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Steven L. Tiscione  
United States Magistrate Judge  
Eastern District of New York